REMARKS

Applicants have thoroughly considered the Examiner's remarks in the February 14, 2007 final Office action and respectfully request reconsideration in light of the following remarks. Claims 1, 2, 7-26, 44, 45, 48, and 54 are pending in the present application.

As a preliminary matter, Applicants again request that the Examiner review and formally accept the drawings filed July 18, 2003.

Claim Rejections under 35 U.S.C. § 102(e)

Reconsideration of the rejection of claims 1, 2, 7-26, 44, 45, 48, and 54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2005/0203992 (Tanaka et al.) is respectfully requested.

Claims 1, 44, and 54

Claim 1 is directed to a method for retrieving property metadata for a media file accessible via a media player. As explained in the present application, such property data provide a contextual experience for each media as it is accessed by the client. See Application, paragraph [0029]. Claim 1 recites, among other elements, a three-part query: a) "**determining whether an identification parameter is stored on said media player;**" b) "**determining whether property data is stored on said media player;**" and c) "**determining whether an artist ID is a known various artists value on said media player.**" Responsive to the queries, claim 1 recites "**caching said received property data with a collection ID . . . when said determining whether an artist ID is a known various artists value on said media player indicates that an artist ID is a known various artists value on said media player.**" None of the references, taken individually or in combination, discloses or suggests this novel combination of elements.

To anticipate a claim, each and every element of the claim must be found, either expressly or inherently described, in a single prior art reference. (M.P.E.P. § 2131). As argued previously, Tanaka et al. fail to disclose such a method comprising a combination of three queries to determine when to cache the received property data with a collection ID and when to use previously stored data. By including the query element of

determining whether an artist ID is a known various artists value on the media player, the method ensures that received property data, rather than the stored data, is cached when it is determined that an artist ID is a known various artists value. This ensures that the method compensates for a data source (e.g., a CD) comprising a group of media files from different artists by retrieving the data from the server, rather than utilizing the property data stored on the media player, which may not necessarily be associated with the multiple artists.

In the latest action, the Office asserts that "the features upon which applicant relies (i.e., compilations of artists) are not recited in the rejected claims(s)." Applicants strongly disagree -- claim 1 clearly recites "determining whether an artist ID is a known various artists value on said media player . . . ." In this regard, the present application describes an exemplary embodiment in which the method queries to determine whether, for example, "the CD of interest is a compilation CD. Where the artist ID is a various artists value, the content ID will be sent to the server to retrieve the property data. Because the CD could include a compilation of artists, such as a movie soundtrack, the method opts to retrieve the data from the server rather than utilizing the property data stored on the media player. This ensures that property data for each media file, by each artist on the CD, is retrieved, rather than merely rendering the data available on the media player, which may not include property data associated with each media file and artist." Application, paragraph [0034]. On the other hand, if the "artist ID is not a known various artists value on the media player . . . the [method] determines that the CD of interest is not a compilation CD and the method may utilize the property data stored on the media player." Application, paragraph [0035]. When read in light of the specification, one skilled in the art recognizes that determining whether an artist ID is associated with a various artists value provides a determination as to whether the artist ID represents a compilation of artists. Simply because the word "compilation" does not appear verbatim in the claim does not mean that the feature cannot be found in the claim. If the Examiner maintains the rejection of this claim, Applicants would appreciate the courtesy of a phone call to the undersigned to discuss the issue.

The Office also asserts that Tanaka's checking for individual artists in a group of media items is a teaching for "caching received property data when the determination

indicates that an artist ID is a known various artists value on a media player." But this teaching is clearly not provided by Tanaka, and making such a connection is not proper. Again, Fig. 18 of Tanaka et al. is simply an explanatory diagram showing a typical display of a song list with multiple artists. This is not the same as a piece of media (e.g., a CD) containing a compilation of media files by various artists. Applicants concede that a combination of songs by many artists is well known and that listing such a combination of songs is well known. But this teaching for a song list comprising different artists is not applicable here. In contrast, what is not well known and not taught by Tanaka et al. is the **determining whether an artist ID is a known various artists value on a media player for determining whether to cache received property data.** The claimed determination is directed to addressing the unique data management issues associated with artist compilations. A mere reference in Tanaka et al. to a group of songs by different artists cannot constitute a teaching of the present claim. Without a teaching for this claim's element, Tanaka et al. cannot anticipate claim 1.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1. Claims 2 and 7-19, which depend directly or indirectly from claim 1, are submitted as patentable for the same reasons as set forth above with respect to claim 1.

Claims 44 and 54 include similar elements and are submitted as patentable for the same reasons as amended claim 1.

If the Office maintains the rejection of the present claim, Applicants request the courtesy of a phone call to the undersigned at (314) 231-5400.

Claim 20

Claim 20 involves a method for retrieving metadata for a media file. In this instance, the claim recites first examining the media player for an identification parameter associated with media file. If a first identification parameter is not already stored on the player, the claimed method requires "**submitting a second identification parameter associated with said accessed media file to receive said property data from a server.**" On the other hand, if the first identification parameter is stored on the media player, the method requires determining whether property data is stored on the

media player. As part of this determination, claim 20 recites "**determining whether an artist ID is a known various artists value on said media player**" when property data is stored on the media player and "**submitting said first identification parameter associated with said accessed media file to receive said property data from a server**" when the artist ID is a known various artists value and "**rendering said property data on said media player**" when the artist ID is not a known various artists value. None of the references, taken individually or in combination, discloses or suggests this novel combination of elements.

Here, the prior art fails to teach or suggest at least four of the elements of claim 20. In response to the previous Office action, Applicants made the following four arguments with respect to claim 20.

First, Tanaka et al. fail to teach or suggest submitting a second identification parameter associated with said accessed media file to receive said property data from a server when said determining whether a first identification parameter associated with said media file is stored on said media player indicates said first identification parameter is not stored on said media player. In essence, this claim element provides some flexibility in the process of submitting an identification parameter, allowing the submission of one or another identification parameters depending upon which identification parameter is available. If a first identification parameter, which may, for example, be the more desirable identification parameter, is not available, a second identification parameter may be used. In this manner, there is more often an available identification parameter for use. In Tanaka et al, however, there is no such flexibility. The portion of Tanaka et al. cited by the Office (paragraph [0216]) provides no relevant teaching. This portion of Tanaka et al. names a single identification parameter, a CD identifier. There is no second identification parameter as required by claim 20. As such, Tanaka et al. cannot anticipate claim 20.

Second, Tanaka et al. fail to teach or suggest determining whether an artist ID is a known various artists value on said media player when said determining whether said property data is stored on said media player indicates said property data is stored on said media player. As discussed above with respect to claim 1, Tanaka et al. provide no teaching related to determining whether an artist ID is a known various artists value. The Office cites to Fig. 18 and paragraph [0341] as support for its anticipation rejection. As discussed above, Fig. 18 of Tanaka et al. is merely an explanatory diagram showing a typical display of a song list with multiple artists, and such a combination of songs by many artists is well known. Moreover, paragraph [0341] of Tanaka et al. teaches how to construct a music purchase user interface whereby particular songs are blocked from

purchase if they are already owned by the user. Such a teaching is inapplicable to determining whether an artist ID is a known various artists value. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

Third, Tanaka et al. fail to teach or suggest submitting said first identification parameter associated with said accessed media file to receive said property data from a server when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is a known various artists value. Because this submission is based upon determining whether an artist ID is a known various artists value (discussed immediately above), there can be no teaching of this element by Tanaka et al., as Tanaka et al. teach nothing related to determining whether an artist ID is a known various artists value. The Office's reference again to Fig. 18 is not helpful. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

Fourth, Tanaka et al. fail to teach or suggest rendering said property data on said media player when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is not a known various artists value. Because this submission is based upon determining whether an artist ID is a known various artists value, there can be no teaching of this element by Tanaka et al., as Tanaka et al. teach nothing related to determining whether an artist ID is a known various artists value. Again, the Office's reference again to Fig. 18 is not helpful. Moreover the additional reference to paragraph [0345] of Tanaka et al., which pertains to prohibiting download of music content that the user already has stored to a hard drive, does not anticipate this element. Thus, there is no teaching or suggestion for this element, and Tanaka et al. cannot anticipate claim 20.

In the present action, however, the Office only addresses the first of these four arguments. As such, the Office has not demonstrated that the cited art discloses each and every element of claim 20 generally, and each and every one of these four distinct elements specifically. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 20. Claims 21-26, which depend directly or indirectly from claim 20, are submitted as patentable for the same reasons as set forth above with respect to claim 20.

If the Office maintains the rejection of the present claim, Applicants request the courtesy of a phone call to the undersigned at (314) 231-5400.

CONCLUSION

In view of the foregoing, favorable reconsideration and allowance of this application is requested.

Applicants have reviewed the cited but unapplied references and have found them to be no more pertinent than the art discussed above.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims not in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants do not believe that a fee is due. But if the Commissioner determines otherwise, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,

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